

Appl. No. 09/804,022  
Amdt. Dated October 4, 2004  
Reply to Office Action of July 20, 2004

### REMARKS

Claims 1 through 10 remain pending in this Application. Claims 11, 12, and 13 have  
5 been canceled. Claims 1 and 8 are each currently amended.

The Examiner objected to the drawings under "37 CFR 1.83(a) because they failed to show verbal label of the corresponding reference number as described in the specification." Applicants respectfully traverses this objection. The undersigned has carefully reviewed the  
10 specification and drawings, and has found that each item of the drawings is clearly identified by a reference numeral, and that each of the reference numerals are clearly identified and described in the specification. All structural details essential for a proper understanding of the invention are shown in the drawing, and are properly identified, all in accordance with 37 CFR 1.83(a). Accordingly, Applicants respectfully request that the Examiner reconsider and  
15 remove this objection in that the drawings in combination with the specification do show and describe every feature of the invention specified in the claims.

The Examiner also objected to the drawings with regard to Figure 1, indicating that there should be a designation included by a legend such as - - Prior Art - -. Applicants have  
20 corrected the drawing sheet for Figure 1 by including the label "Replacement Sheet" in the page header, and by including in parenthesis to right of "FIG. 1" the legend - - (Prior Art) --.

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The Examiner requested Applicants to provide Section Headings. Applicants respectfully decline to add such headings as they are not required in accordance with MPEP § 608.01(a).

5 The Examiner objected to Claim 11 under 37 CFR 1.75(c). Claim 11 has been canceled. Accordingly, the objection is moot.

"Claims 1-8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which  
10 applicant regards as the invention." Also, "Claim 1-8, 11 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter." The undersigned conducted a telephonic interview with Examiner Azad on September 23, 2004. Examiner Azad suggested that the undersigned improve the language of the claims to remove ambiguities and ensure that it is clear what is being claimed. Applicants have amended the  
15 claims to ensure that they now meet all of the requirements of 35 U.S.C. 112, and has removed any ambiguities to ensure that all of the requirements of 35 U.S.C. 101 have been met. Accordingly, it is respectfully requested that these rejections be removed.

"Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by  
20 Friedlander et al. . . ." Claims 12 and 13 have been canceled, accordingly this rejection is moot.

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The "Office Action Summary" indicates in paragraph "8" that "Claims 9 and 10 are subject to restriction and/or election requirement. No comments regarding this restriction requirement was found by the undersigned in the Office Action. Accordingly, the undersigned conducted a telephonic interview with Examiner Azad on September 23, 2004.

5 Examiner Azad advised, as indicated on an Interview Summary, that "this was a typographical error, status for claims 9 and 10 are allowed over the prior art of record."

Claim 1 has been currently amended to now call for "In an audio system, a method of encoding an audio signal (x), and decoding the encoded audio signal, the method  
10 comprising the steps of: estimating. . . , matching . . . , and including . . . ," as requested above. These steps are substantially the same as the functional aspects for the various means called out for the audio coder of Claim 9. Accordingly, Claim 1 is patentable for at least the same reasons as Claim 9.

15 Claims 2 through 7 are each dependent from Claim 1 (currently amended). Accordingly, these dependent claims are patentable for at least the same reasons as Claim 1 (currently amended).

Claim 8, as currently amended, now calls for the following:

20 The method of claim 1, further including for decoding the encoded audio signal the steps of:

generating (31) from said position parameter a transient signal component at a given position; and

calculating (31) a shape function based on received shape parameters, which  
25 shape function has a substantially exponential initial behavior and a substantially logarithmic declining behavior.

Claim 8 as currently amended is dependent from Claim 1. Accordingly, Claim 8 is patentable for at least the same reasons as Claim 1. Also, the undersigned did not find in the cited references the steps of Claim 1, as amended, and believes that Claim 8 (currently amended) is patentable in and of itself.

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As indicated above, the remaining two original claims, namely 9 and 10, are considered allowable over the prior art of record by Examiner Azad.

It is believed that the claims as now presented are in condition for allowance. Accordingly, it is respectfully requested that the claims be allowed, and the case passed to issue.

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Respectfully submitted,

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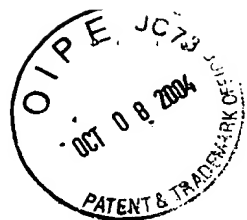
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Attachments

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# Replacement Sheet

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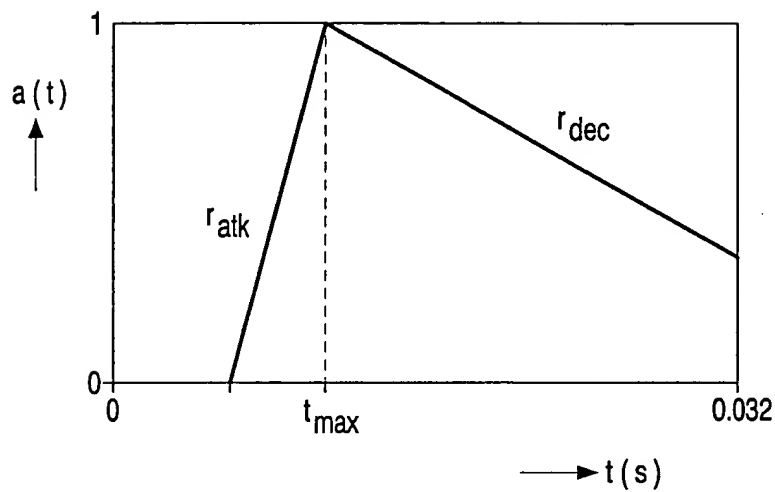


FIG. 1 (Prior Art)

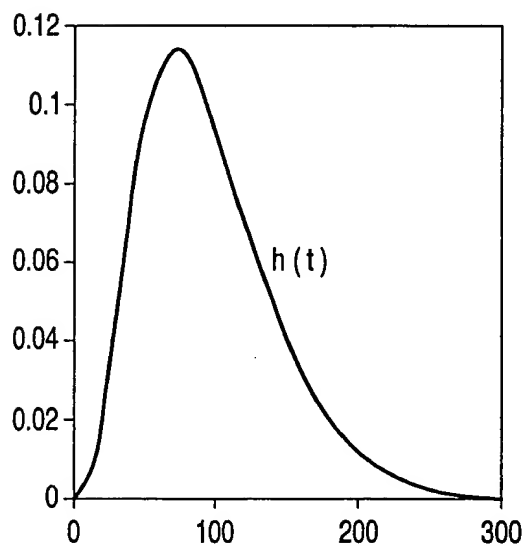


FIG. 3